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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,647	03/23/2001	Steven C. Johnson	10003561-1	4626

7590 07/29/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SMITH, JEFFREY A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,647

Applicant(s)

JOHNSON ET AL.

Examiner

Jeffrey A. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flowers, Jr. et al. (U.S. Patent No. 5,533,174) (hereafter "Flowers") in view of www.graphxedge.com.

Flowers discloses a method of distributing and installing print device fonts (col. 1, lines 34-40).

The method comprises, *inter alia*, obtaining a visitor's system configuration (col. 4, line 50-col. 5, line 5); permitting selection of compatible fonts (col. 3, lines 22-25); and authorizing transfer of selected fonts (col. 5, lines 17-39).

Flowers does not disclose a website allowing purchase of downloadable printer fonts. Flowers does, however, identify

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that the user must be licensed to download desired fonts (col. 5, lines 21-29).

www.graphxedge.com is a website which allows a user to select and download fonts which are compatible with the user's system configuration.

It would have been obvious to one of ordinary skill in the art to have provided the method and system of flowers to have incorporated a website of the type demonstrated by www.graphxedge.com in order that users of personal computers (of the type taught by Flowers: col. 1, line 13) would have been able to have fully realized the functionality of the Flowers method and system in a web-based internet available environment in their home.

Response to Arguments

Applicant's arguments filed 9 May 2003 have been fully considered but they are not persuasive.

Applicant's remarks that the Office Action has not made a prima facie showing that the information contained in that web site qualifies as prior art www.graphxedge.com web site is not persuasive.

The Examiner directs applicant's attention to "Reference U" cited on Form PTO-892 attached to Paper No. 2. Each sheet of

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such reference lists an associated "http" address at the bottom of the sheet. A component of such address (i.e. "19990202") corresponds to a date (i.e. year=1999, month=02 (i.e. February), day=02) at which time such sheet (that is, the information contained thereon) was archived at www.archive.org. The archived information is taken from the web site of interest (i.e. www.graphxedge.com). The archived information is available to the public at www.archive.org no later than the date it was archived. This is because www.archive.org archives publicly available internet sites and the site itself is publicly available at at least the time at which www.archive.org places it in the archive. Attached hereto is an appendix which briefly details the nature of the www.archive.org web site as well as a search results page from www.archive.org for www.graphxedge.com. Applicant is invited to explore the www.archive.org web site in order to retrieve further evidence of the public availability of the www.graphxedge.com web site prior to Applicant's critical date. The particular documentation of the www.graphxedge.com web site relied on by the Examiner qualifies as prior art under 35 USC 102(b).

Applicant does not otherwise traverse the combination of Flowers, Jr. et al. and www.graphxedge.com. Accordingly, there

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is no persuasive traversal of the rejection of claims 1-24 under 35 USC 103.

Applicant's remarks that "[new claims 25-27] are allowable for at least the reason that they each depend from an allowable claim" is no more persuasive than remarks offered in support of the respective independent claims (addressed above). Such remarks in support of new claims 25-27 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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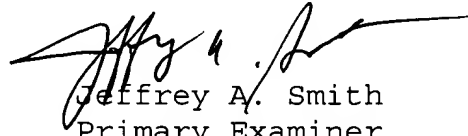
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Smith whose telephone number is 703-308-3588. The examiner can normally be reached on M-F 6:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Jeffrey A. Smith
Primary Examiner
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jas
July 26, 2003

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APPENDIX